Priority ✓
Send ✓
Enter
Closed
JS-5/JS-6
JS-2/JS-3
Scan Only

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES--GENERAL

SCANNED

Case No. CV 03-2213-JFW(RCx) Date: October 1, 2003

Title: COMCAST OF LOS ANGELES, INC., et al. vs. TOP END INTERNATIONAL, INC., et al.

DOCKET ENTRY

HON. ROSALYN M. CHAPMAN, UNITED STATES MAGISTRATE JUDGE

Debra Taylor
Deputy Clerk

None
Court Reporter

ATTORNEYS PRESENT FOR PETITIONER:
Wayne R. Louis
Arthur J. McKeon

ATTORNEYS PRESENT FOR RESPONDENTS:
Jason D. Cohn
Anthony J. Siciliano

PROCEEDINGS: PLAINTIFFS' MOTION FOR SANCTIONS FOR NON-COMPLIANCE WITH JULY 2, 2003 ORDER AND RULE 26(f) DISCLOSURES

On August 22, 2003, plaintiffs filed their notice of motion and motion for sanctions against defendants and their counsel, a supporting memorandum of points and authorities, and the supporting declaration of Daniel J. Lefkowitz and exhibits. On September 10, 2003, defendants filed their opposition; however, plaintiffs did not timely file a reply.

Oral argument was held on October 1, 2003, before Magistrate Judge Rosalyn M. Chapman. Wayne R. Louis, attorney-at-law with the firm Lefkowitz, Louis & Sullivan, and Arthur J. McKeon, attorney-at-law with the firm Gilbert, Kelly, Crowley & Jennett, appeared on behalf of plaintiffs and Jason D. Cohn, attorney-at-law, with the firm Cohn, Pacelli & Associates, and Anthony J. Siciliano, attorney-at-law, appeared on behalf of defendants.

//

//

ENTERED ON ICMS
OCT 3 2003
CV

96

The Court, having reviewed all documents, and finding good cause, **HEREBY RULES AND ORDERS,** as follows:

1. Plaintiffs are admonished for not complying with the letter of Local Rule 37, and specifically not making their requests for conferences in the manner required by Local Rule 37-1. The parties are advised that the Court will not, in the future, hear any discovery motion in which the moving party has not strictly complied with Local Rule 37.

2. To support defendants' representation that the United States Marshal seized, and turned over to plaintiffs, all documents other than those on defendants' personal computers, defendants shall file, and serve on plaintiffs, no later than October 8, 2003, a declaration or affidavit, under penalty of perjury, by Hsi Hsiao, also known as David Hsiao, representing that defendants have no documentary evidence in their possession, custody or control other than the documents on the hard drives of their personal computers.

3. Defendants shall turn over to plaintiffs their personal computers or the hard drives from those computers, no later than October 8, 2003.

4. Plaintiffs' request for attorney's fees and other sanctions IS DENIED, pursuant to Federal Rule of Civil Procedure 37(a)(4)(A), since the Court finds no reason plaintiffs should not have accepted defendants' offer to produce to plaintiffs defendants' computers or their hard drives as resolution of this dispute.

5. At oral argument, plaintiffs' counsel represented that plaintiffs were no longer pursuing their motion against defendants for failing to make Rule 26(f) disclosures; thus, that motion IS TAKEN OFF CALENDAR.

case032/03-2213.6
10/1/03

SCANNED

Service List:

Paul A. Bigley
Arthur J. McKeon III
Gilbert, Kelly, Crowley &
Jennett LLP
1055 West Seventh Street
Suite 2000
Los Angeles, CA 90017-2577

Wayne R. Louis
Lefkowitz, Louis & Sullivan, LLP
350 Jericho Turnpike
Suite 300
Jericho, NY 11753

Honorable John F. Walter

Jason D. Cohn
Cohn, Pacelli & Associates
17822 Seventeenth Street
Suite 405
Tustin, CA 92780

Anthony J. Siciliano
Law Offices of
Anthony J. Siciliano
115 State Street, Suite 403
P.O. Box 30302
Springfield, MA 01103

SCANNED

Initials of Deputy Clerk ___